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SEP 18 2008
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTER ENRIQUEZ,

Defendant.

No. CR 08-00258 RS

**STIPULATION TO CONTINUE
STATUS HEARING AND EXCLUDE
TIME; [PROPOSED] ORDER**

Hon. Richard Seeborg

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Thursday, September 18, 2008, at 9:30 a.m. be continued to Thursday, September 25, 2008, at 9:30 a.m. This matter has been referred to the Pretrial Services Office for a determination of whether the defendant is an appropriate candidate for diversion. The continuance is requested because Pretrial Services requires additional time to complete its investigation and make its recommendation to the parties.

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STIPULATION TO CONTINUE STATUS
HEARING; [PROPOSED] ORDER
No. CR 08-00258 RS

1 The parties further agree that time should be excluded under the Speedy Trial Act from
2 September 18, 2008 to September 25, 2008, because prosecution has been deferred in this matter,
3 and deferred prosecution is an excludable ground under the Speedy Trial Act.

4
5 Dated: 9/17/08

/s/
LARA S. VINNARD
Assistant Federal Public Defender

6
7 Dated: 9/17/08

/s/
JEFFREY SCHENK
Assistant United States Attorney

8
9 **ORDER**

10 The parties have jointly requested a continuance of the hearing set for September 18,
11 2008, to allow the Pretrial Services Office additional time to complete its diversion investigation.

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
13 presently set for September 18, 2008 at 9:30 a.m. be continued to September 25, 2008, at 9:30
14 a.m.

15 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
16 from September 18, 2008, to September 25, 2008, shall be excluded from the period of time
17 within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

18
19 Dated: 9/18/08


RICHARD SEEBORG
United States Magistrate Judge